SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Department LA 9 09/16/2008

Court Convened at: 0830AM

Honorable Commr Reva G. Goetz, Judge Pro Tem
none, Deputy Sheriff

C. Washington
Andrea Murdock, Deputy Court Clerk
Tamara Vogl CSR #10186, Reporter

BP-109096 102 SPEARS, BRITNEY JEAN - TRUST

TRUST - OTHER

Trust Proceedings

J. S. Cohen ✓
G. Wyle ✓
A. Wallet ✓
S. Ingham ✓
A. B. Curow ✓

Petitioner(s): Taback, Ivan

Attorney(s): Byam, Clark R., Esq.

Continuance Number: 5 Continuance From: 8/14/2008 12:00:00AM

Last Date Changed: 9/8/2008 6:10:12PM Last Note Changed By: SRILEY

To clear probate notes "filed documents" must be submitted to Rm 258, within time frames set forth in Rule 10..3 of LASC Rules. You may contact the Probate Attorney whose E-Mail address appears at the end of these notes, subject to compliance with all conditions governing the use of Interactive E-Mail. E-mail Rules are available in Rm 258 and on the Court's web site at www.LASuperiorCourt.org.

PRIOR ORDERS: Cont to 09/16/08 < at 8:30a.m. Parties stipulate to judge pro tem .Court and counsel confer inchambers (off the record) . ON THE RECORD : Fees to Brian Spears remains deferred. Wasser Cooperman & Carteer shall receive an additional $ 5035.00. This payment plus the retainer equals half of the account balance. Luce Forward Hamilton & Scripps, LLP shall receive $ 100,000 on account. NO orders are made for fees due the Phillips Lerner Lauzon & Jamra, LLP because counsel Stacy Phillip is represented, and her counsel is not availble today. Matter is continued to September 16,2008 at 8:30 a.m., subject to counsel's availability. In the alternative, the next hearing will be set for August 27,2008 at 1:30 p.m. By Wyle shall contact the clerk by August 18,2008 to advise August 27,2008 date will go forward. Court finds no reason for the Declaration submitted from Stacy Phillips to be sealed, although submitted conditionally under seal, and the document will be placed inthe curt file unsealed. The time for filing Declarations and Fee Petitions is extended to September 5,2008. The document(s) shall be brought to department 9 after the filing fees are paid. > ; 8/14/08 <at 1:30 p.m., Court and counsels confer in chambers, off the record, ON THE RECORD: Geraldine Wyle and Jeryll S. Cohen appear on behalf of petitioner James P. Spears. Samuel D. Ingham III, court appointed PVP, appears on behalf of Britney Spears. Andrew M. Wallet appears on behalf of himself as co-conservator of the estate. Clark Byam appears on behalf of Bryan Spears and Ivan Taback, co-trustee, Fees to Bryan Spears is reserved to the hearing set for August 14, 2008. $75,000 shall be paid on account to Ivan Taback's firm. Parties stipulate to Judge Pro Tem>; 7/31/08 at 8:30 a.m. <Parties stipulate to Judge Pro Tem> 4/17/08 at 1:30 pm < The temporary orders made on 2/14/08 remains in full force and effect. The PVP appointment is expanded to include the trust proceedings per Probate Code 1470.; Counsel may file and set a Heggstad petition for April 17, 2008.; parties stipulate to Judge Pro Tem >; 3/10/08 at 1:30 pm D-9 < per M.O. dtd 2/14/08 > per order dated 2/14/08 Petnr & Bryan Spears were apptd as acting temp co-tees w/o bond & tee's powers limited as provided in that order

SUMMARY:
Petnr is named successor co-tee of IV trust dated 7/26/04
Waivers of ntc by temp tees of estate Wallet and Spears filed
Consents to act filed by petnr & Bryan Spears
Redacted portion of trust attached

OTHER MATTERS: BP108870, Conservatorship

FACTS RE APPOINTMENT OF SUCCESSOR CO-TEES: trust dated 7/26/04 is revocable - trust provides that Britney is named trustee & if she resigns or otherwise ceases to act then Bryan Spears, Stacy Smith and Ivan Taback may act as successor co-tees (Stacy Smith has declined to act as co-tee)

RECOMMENDED DISPOSITION:

Order to be Prepared By: **RELATED ITEMS:** **#104 RELATED CASE BP 108870**

Clerk: ___ Attorney: ___

SPEARS, BRITNEY JEAN - TRUST

09/16/2008

LA **9** **BP-109096** **102**

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Trust provides that if settlor/tee shall cease to act if she is under a legal disability or by reason of illness or mental or physical disability, in the written opinion of 2 doctors then practicing medicine, she is unable to mange her affairs

Petnrs contends that as a result of crt orders entered re apptmt of temp consor for Britney that court has found that Britney has ceased to act as tee & successor co-tees should be apptd - PC 15643(e) provides that a vacancy in the office of tee exists upon apptmt of a consor of a tee

Trust waives bond for any trustee (Art. 6)

FACTS RE COMPENSATION FOR LEGAL SERVICES: Petnr is a resident of NY but is not licensed to practice law in CA - Petnr is a partne with the firm of Proskauer Rose LLP & has offices in LA, CA - atty Mitchell M. Gaswirth assisted with preparation of trust & has been advising petnr since 2/1/08 - Petnr is seeking the right to dual compensation as required by PC 15687(a) - petnr desires to employ Proskauer as counsel for the period 2/1/08 thru 3/17/08 & will compensate firm according to its standard hourly rates for its svcs & reimb out-of-pocket exps - petnr believes employment of such counsel is necessary due to the complexity & sensitivity of issues presented & further, that attys are familiar w/ the trust & consorshp

MATTERS TO CLEAR:
a. 30 days ntc given to Britney, settlor/bene - see CRC Title 7 Rule 7.51(b), PC 1214
b. are there 2 doctors' statements stating Britney is unable to manage her affairs?
c. no alleg re name & address of settlor
d. are 2 trusts created under this instrument? Any intent to replace Lynne Spears as tee of trust created under para (1) of subdivision (d) of Art 3? supp required
e. any restriction in trust instrument re pmt of dual compensation? supp required

RELIEF:
1. JTD Find that upon apptmt of a general consor that Britney has ceased to act as tee - PC 15643(e)
2. JTD appt Petnr & Bryan Spears as successor co-tees
3. JTD confirm that successor co-tees have all powers conferred by the trust under Art 7 except that: trustees must act only by unanimous consent; shall not sell or lease Britney's personal residence w/o prior Crt order; the situs of the trust shall not be changed & trust shall continue to be governed by CA law & property shall not be removed from CA during temp trusteeship
4. JTD auth dual compensation & auth petnr to engage Proskauer Rose LLP as petnr's counsel for period 2/1/08 to 3/17/08 & to compensate said firm for its svcs at its standard hrly rates

PA's COMMENTS: see prior orders, no fee petns filed herein as of 9/8/08, however fee petns filed in BP 108870 & set for hrng on 9/25/08, continue to meet hrng on those petns o/w re this petn T/T - o/w if continued, crt to continue auth of temp co-tees?

sriley@lasuperiorcourt.org sc

RECOMMENDED DISPOSITION:

Order to be Prepared By:

Clerk: ____ **Attorney:** ____

09/16/2008

RELATED ITEMS: #104 RELATED CASE BP 108870

SPEARS, BRITNEY JEAN - TRUST

LA | **9** | **BP-109096** | **102**

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sriley@lasuperiorcourt.org sc
SRR 3/10/08

Court and counsel confer in chambers, off the record as to Family Law attorney fees issue.

☒ all current orders to remain in full force and effect.

MINUTE ORDER

☐ Granted ☐ Denied Without Prejudice ☐ Completed ☑ Continued to 9/25/08, 1:30 pm ☐ Submitted ☐ Off-calendar
☐ As Supplemented ☐ Person and Estate ☐ No Bond ☐ Bond of $_____ Additional ☐ Will and _____ Codicil(s) Admitted
☐ Full/Limted/No IAEA ☐ Lacks Medical Capacity and Voting Capacity ☐ Fees Granted in the Amount of $_____ County/Estate
☐ Dementia Powers Granted ☐ Medical and Placement ☐ PC 2351.5 powers granted ☐ Supplemental Probate Investigator/DCFS Report Ordered
☐ Court has Read and Considered/Approved Report ☑ Parties stipulate to Judge Pro Tem- ~~written~~ ☐ Give Notice Waived ☐ Bond Exonerated
☐ Court Investigation/DCFS/Regional Center Report is placed in the Confidential Envelope / is admitted into evidence as Court's Exhibit 1 and sealed
☐ PVP/Attorney/Citee/Party Ordered Back/Discharged/As Prayed ☐ Appearance of Minor(s)/counsel waived for next hearing ☐ No further review required
☐ New Citation to issue/personal service ☐ Re: if proof of deposit to a blocked account filed ☐ PVP Appointed/Remains/Discharged
☐ Comfirmed for $_____, Commissions:_____, Title: ☑ 2 Ex Parte orders based on subject
☐ Time to Administer Estate // Special/Temporary Letters Extended/Granted to _____ involving trade secrets.
☐ Accounting to be filed by _____ and Set for Hearing on //Statue re: Accounting/Status Hearing is Set for _____

RECOMMENDED DISPOSITION:

Order to be Prepared By:

Clerk: ____ **Attorney:** ____

09/16/2008

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LA **9** **BP-109096** **102**